

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

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FROM: 07480408  
TO:  
SUBJECT: Kenner 13-CR-607 (JFB)  
DATE: 05/19/2019 08:21:01 PM

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 22 2019 ★

May 19, 2019

The Honorable Judge Bianco  
US Federal Courthouse -- EDNY  
100 Federal Plaza  
Central Islip, NY 11722

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MAY 22 2019

EDNY PRO SE OFFICE

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Your Honor:

I am writing to provide the "open items" as briefly discussed last Wednesday in your courtroom.

1) I am still waiting (about 18 months) for the STIP from the government for the Diamante Cabo appraisal that they requested a confidentiality agreement signed for me to receive it. Can the government please forward it to me?

2) I am requesting to have the US Marshalls (or AUSAs) deliver the Requests for Admissions (RFAs) I submitted to the Court in December 2018 to their specifically named trial witnesses. They are necessary for the government witnesses and the newly discovered CTE (brain trauma) related litigation at least several of the government witnesses have participated in versus the National Hockey League (NHL); wholly admitting to severe memory loss, akin to Alzheimer's sufferers. If the Court recalls, the government has defended the voluminous inconsistent statements (raised in the original Kenner Rule 33 submission) of their witnesses by alleging faulty memory, confusion and mistakes (United States v. Dunnigan -- Supreme Court) as their "excuse" for the multitude of misstatements (contradicting prior statements under oath and empirical evidence). We were scheduled to discuss it during the forfeiture oral argument day during, but it never materialized as the day ran long with Your Honor's schedule.

3) I am again requesting the government and Jowdy attorney communication back-up related to the creation of Government-Forfeiture-44, which contradicted the government's repetitive trial claims that "Ken Jowdy did not borrow the Hawaii funds" -- and instead "Kenner stole the money to buy his piece of the Cabo project". Both of those claims have been 100% been debunked post trial by the government's submission of the Jowdy-related document (Forf-44 during forfeiture) -- and the government's own Forfeiture-36 submission. Forf-36 proved Kenner's partners (Jere Lehtinen and Jozef Stumpel) invested \$4.1 million in the Cabo project into Kenner's Baja Ventures 2006, LLC (and NONE of the money stolen -- or from any illicit source -- with Jowdy subsequently stealing \$1.6 million and not accounting for it in the LLC's capital account). The new evidence (Forf-44) reverses the government's primary Hawaii prosecution theory -- and Kenner requests confirmation of the construction communications with Jowdy's attorneys that the government, while making their false and prejudicial allegations, were not aware that 100% of the Hawaii money DID GO TO JOWDY before the end of the trial.

4) The Court had previously requested that the government turn over the "ink" versions of Kenner's signature from Jowdy's attorneys (admitted to by Ken Jowdy during his 2009 arbitration testimony) for forfeiture exhibits, Forf-61 and Forf-62. The government has ignored the Court's request on several occasions.

5) As a result of the government's star witness' (John Kaiser) shocking February 2019 submission to the Court (Doc 628) -- Kenner is requesting an evidentiary hearing to determine the "evidence" that Kaiser suggests he has to share with the Court and the FBI. Kaiser also raises confirmation of the FBI and Jowdy's false assertions that the \$7 million in the Cabo deal was stolen by Kenner. This 7-year-old false narrative has now been exposed by Kaiser -- and the back-up of that grandiose false belief and storyline need to be exposed thru Kaiser's under oath testimony having revisionary effects on the verdict.

6) Kenner is renewing his request to have John Kaiser's 2006 and 2007 IRS taxes reviewed by the Court (in camera) -- after Kaiser gave false testimony that the \$816,000 in cash that he received from the August 2006 Hawaii-JV closing was for "back pay". This is not true. Kaiser also testified that the balance of the \$816,000 was for "expenses". Kenner is renewing his request for the Court to request Kaiser's receipts or proof of expenses that make up the balance of the Kaiser testimony. This is also untrue. The balance of Kaiser's "friends & family 2005 loans" were fully repaid to Kaiser as part of another document in evidence that allowed Kaiser to become the Managing Member of the Hawaii partners (as he executed -- as proof). The government alleged Counts 2 - 3 and 4 of the Kenner superseding indictment were based on Kaiser's testimony that he was never repaid. It will prove the predicate act (of repayment) in Kenner's favor and the basis for the charges as wholly false.

PK

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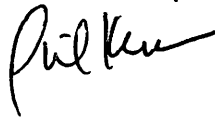
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7) Kenner is renewing his request for the raw notes from Ken Jowdy's December 2014 FBI proffer in New York. The appearance document (3500-KJ-8) was delivered on the eve of trial -- but no accompanying notes (raw or otherwise) have ever been disclosed by the government. Upon information and belief -- this is the meeting that discussed the contents of Forf-44 (the Jowdy confirmations of all the Hawaii loan money he received -- and none stolen by Kenner).

8) Pursuant to Kaiser's Doc 628 submission -- he claims he now owns Kenner's Baja Ventures 2006, LLC equity. This is another forged document by Jowdy, Kaiser and others who worked with them for years. Kenner is requesting the original "ink" versions of these alleged "agreements". Kenner is also requesting that Kaiser turn over the \$455,000 in "expenses" the second agreement alleges he paid for Kenner's Arizona renovation in 2008-09. These agreements surfaced with a Jowdy confirmation of transfer in 2014 -- after Kenner's arrest. Neither Jowdy nor Kaiser had standing to transfer the Kenner equity -- but Jowdy's counsel issued a transfer letter in 2014 to Jowdy's new employee, John Kaiser.

9) Kenner had filed a previous request for the Court to assign hybrid counsel to assist Kenner in his Sentencing Issues.

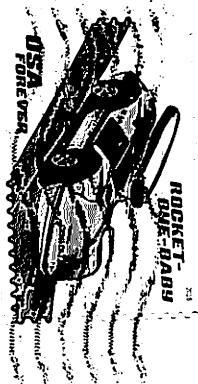
Thank you for your attention to these open matters.

Sincerely, Phil Kenner 

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For Submission

The Honorable Judge Bruce  
of Michelle  
US Federal  
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Central Islip NY 11722



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